

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Maxine Brown-Roberts, Project Manager
Joel Lawson, Associate Director Development Review

DATE: November 26, 2013

SUBJECT: BZA Case 18642- 1210 Simms Place, NE

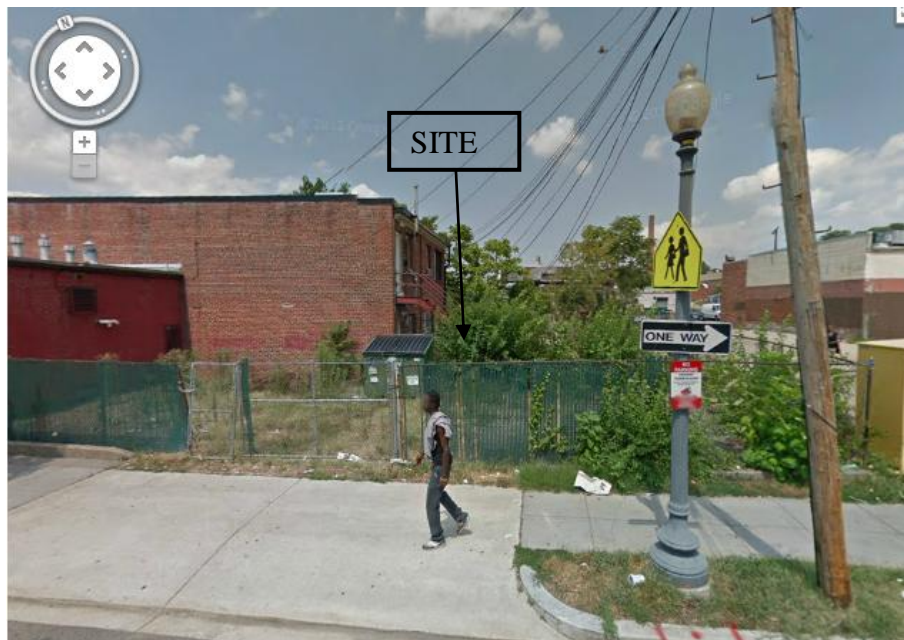
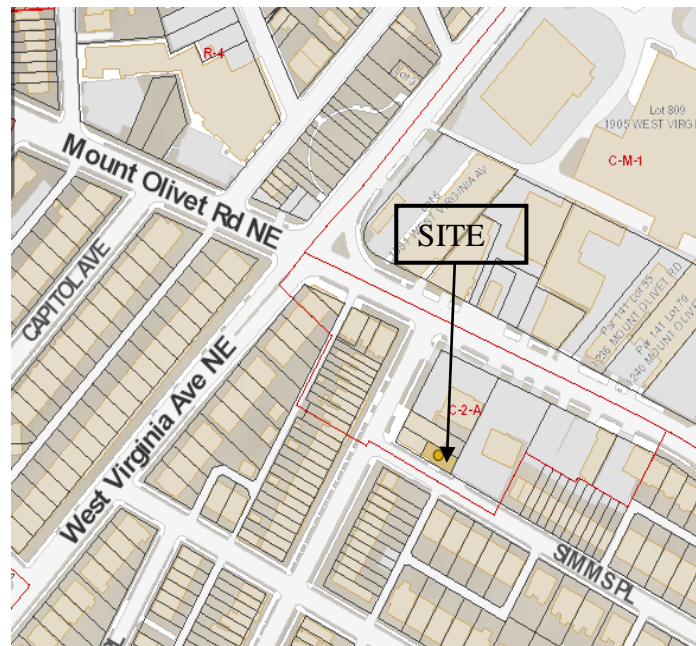
I. OFFICE OF PLANNING RECOMMENDATION

The applicant, 57TH Street Mews, Inc., requests variances pursuant to 11 DCMR, § 3103.2 to accommodate a 3-story apartment building with 4 units. The Office of Planning (OP) recommends **approval** of the requested variances as follows:

- § 772.1, Lot Occupancy - (60% allowed, 68% proposed);
- § 774.1, Rear Yard – (15 feet required, 8 feet proposed); and
- § 21011.1, Parking – (2 spaces required, 0 spaces provided).

II. LOCATION AND SITE DESCRIPTION

Address	1201 Simms Place, NE
Legal Description	Square 4052, Lot 181
Ward/ANC	5/ANC 5B
Zoning	C-2-A – permits matter-of-right low density development, including housing.
Lot Characteristics	The property is an undeveloped, rectangular lot with an area of 1,527.45 square feet (25.5 feet x 59.9 feet) which fronts on Simms Place.
Adjacent Properties	To the east is a one story, grocery store surround by parking spaces; to the west is a one-story building with a laundromat; to the north is a 2-story building with deli on the ground floor and office above; all within the C-2-A zone. To the south are rowhouses with flats in the R-4 zone.
Neighborhood Character	The neighborhood is a mix of row houses, flats and garden apartments in the R-4 district; neighborhood retail uses in the C-2-A, district and industrial/warehousing in the C-M-1 district.



III. APPLICATION IN BRIEF

The applicant proposes to construct a new, 4-unit apartment building. The building would have 3-stories and a cellar with each story and the cellar housing one residential unit each. The applicant is proposing to increase the lot occupancy to 68%, where 60% is the maximum allowed; reduce the rear yard to 8 feet where a minimum of 15 feet is required; and not provide the 2 required parking spaces.

IV. ZONING REQUIREMENTS and REQUESTED RELIEF

C-2-A Zone	Regulation	Existing	Proposed	Relief
Height § 770.1	50 ft.	0 ft.	34 ft.	None required
Lot Area	N/A	1,527.45 sq. ft.	1,527.45 sq. ft.	None required
Lot Width	N/A	25.50 ft.	25.50 ft.	None required
FAR § 771.2	2.5 (res) 1.5 (other)	0.0	2.05 (res)	None required
Lot Occupancy § 772.1	60%	100%	68%	Relief required
Rear Yard § 774.1	15 ft.	0 ft.	8 ft.	Relief required
Parking, § 2101.1	2 spaces	0 spaces	0	Relief required

V. OFFICE OF PLANNING ANALYSIS

The proposed development exceeds the permitted lot occupancy, a reduction in the rear yard and the provision of no parking spaces.

Area variance relief from §§ 772.1-Lot Occupancy, 774.1-Rear Yard, and 2101.1-Parking

1. Exceptional Situation Resulting in a Practical Difficulty

The property's existing shape, narrow lot width and size combined, create a practical difficulty for the applicant in providing the required lot occupancy and rear yard.

Rear Yard and Lot Occupancy

The subject property has a shallow depth of 25.50 feet and long width of 59.9 feet. If the required rear yard of 15 feet were to be provided, then the building allowed would be 10.50-foot wide. Further, with the required 60% lot occupancy, the long, narrow shape of the property would result in a footprint of 916.5 square feet, thus dictating a long, narrow residential structure. The combination of the rear yard and the lot occupancy would constrain the structure and result in inefficient residential units and the ability to create contemporary marketable units. Therefore, the shape of the property is an exceptional situation that presents a practical difficulty for the applicant.

Parking

The access to the site can only be provided from Simms Place as there is no alley access. Parking on the site would have to be accommodated to the rear of the building. To access the rear of the building and provide 2 parking spaces would require a curb cut along Simms Street and a further reduction in the building footprint that would reduce the size of an already constrained building. It would also be uneconomical to provide the spaces below grade. Therefore, the shape of the property and the lack of a rear alley is an exceptional situation that presents a practical difficulty for the applicant.

2. No Substantial Detriment to the Public Good

The development would be facing blank walls on the adjacent commercial buildings and therefore the light and air to adjacent properties or the privacy of the occupants of the commercial buildings would not be affected. Should the relief from the rear yard and lot occupancy requirements be granted, there would be no substantial detriment to the public good.

To compensate for not providing on-site parking, unrestricted parking is permitted along Simms Place and therefore could accommodate the proposed development. Additionally, the property would be served by a number of bus routes along Montello Avenue, 100-feet west of the site; Trinidad Place 760-feet east of the site; and Mt. Olivet Road, 230-feet north of the site.

3. No Substantial Harm to the Zoning Regulation

The proposed residential use would not adversely impact the neighborhood character or cause adverse impacts on the surrounding neighborhood since the proposal would be similar to the existing residential buildings uses in height and size and would be compatible to the commercial uses. As demonstrated, the requested reduction in the requirements would be mitigated and therefore not cause any substantial harm to the Zoning Regulations or Map.

The applicant states that moveable trash storage receptacles would be stored at the rear of the building in a 6-foot high enclosure and transported to the front of the building on the days of collection.

VI. COMMUNITY COMMENTS

The property is within ANC-5B. On November 12, 2013 the ANC voted unanimously to recommend approval of the requested variances.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

The District Department of Transportation will provide a report under separated cover.